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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,328	04/14/2004	Michael J. Cykana	18525-0821	5394
Philip G. Meyers Law Office Suite 300 1009 Long Prairie Road Flower Mound, TX 75022			EXAMINER DAIBOUR, HENRY	
			ART UNIT 2625	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/824,328

**Applicant(s)**

CYKANA ET AL.

**Examiner**

HENRY DAHBOUR

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-5 and 8-13 is/are rejected.  
7) ☒ Claim(s) 6 and 7 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 3, 4, 5, 8, 12, 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Swartz et al (U.S.6459505).

Regarding claim 1, Swartz discloses a targeting device suitable for mounting an optical scanner thereon for scanning a surface of an object, comprising a frame (see 20 in Figure 1), a linkage slidably mounted on the frame (30 in Figure 3), an actuator arm secured to the linkage (see 26 in Figure 1), which actuator arm has an outer surface configured to slidingly engage the surface of the object to be scanned (26 in Figure 8) and move in tandem with the linkage (30 in Figure 3) along the frame (20 in Figure 1) when the object to be scanned is inserted between the actuator arm (26 in Figures 1, 8) and a support surface below the actuator arm (see 74, 76 in Figures 3, 8), and a holder (see between 28 and 32 in Figure 2) mounted on the linkage (see 28 in Figure 2) configured to mount the optical scanner thereon at a predetermined scanning distance from the object to be scanned engaged by the actuator arm (see 32 in Figure 2).

Regarding claim 3, the device of Swartz is capable of scanning a mail piece, and the holder is mounted at a position appropriate for recording region of interest address information from the mail piece (see between 22 and 32 in Figure 2).

Regarding claim 4, Swartz discloses a base disposable horizontally (12 in Fig.4) on which the frame is rigidly mounted in an upright position (see 20 in Figures 1 & 4), an upper surface of the base comprising the support surface (74, 76 in Figures 3 & 4) with a distal end of the actuator arm in engagement with the base (see Figure 8).

Regarding claim 5, Swartz discloses a means for biasing the linkage, holder and actuator arm (see "counterbalance system" in line 27 in column 3) to a position at which the distal end of the actuator arm engages the support surface (see Figure 8).

Regarding claim 8, Swartz discloses a targeting device suitable for mounting an optical scanner thereon for scanning a surface of an object, comprising a frame (see 20 in Figure 2), a linkage slidably mounted on the frame (see 28 in Figure 2), a holder mounted on the linkage (see between 22 and 32 in Figure 2) configured to mount the optical scanner thereon (see 32 in Figure 2), a stop member coupled to and extending below the linkage (see 26 in Figure 3), the stop member being configured to stop downward vertical movement of the linkage such that the optical scanner is positioned at a predetermined scanning distance from an object to be scanned when the stop member engages the surface of the object (see 26 in Figure 8).

Regarding claim 12, see rejection of claim 1.

Regarding claim 13, see rejection of claim 3.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz et al (U.S.6459505) in view of Owada et al (U.S.4691909).

Swartz does not disclose an optical character reader.

Owada discloses this feature (see "optical character reader 80" in lines 50-51 in column 6, also see 80 in Figure 7).

Swartz and Owada are analogous art because they are from the same field of endeavor, that is the art of imaging devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Owada, with the device of Swartz.

The suggestion/motivation for doing so would have been because Owada et al teaches that an optical character reader is suitable for use with book reading (see "book... into contact with the...optical character reader 80 as shown in FIG.7" in lines 49-51 in column 6, also see Figure 7).

Therefore, it would have been obvious to combine Swartz with Owada to obtain the invention specified in claim(s) 2, 9.

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz et al (U.S.6459505) in view Turner et al (U.S.5640252).

Regarding claim 10, Swartz does not disclose a switch mounted on a distal end of the stop member, activating the scanner when the scanner contacts the surface of the object to be scanned.

Turner discloses this feature (see 34, 38 in Figures 2 & 7).

Swartz and Turner are analogous art because they are from the same field of endeavor, that is the art of imaging devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Turner, with the device of Swartz.

The suggestion/motivation for doing so would have been that letting a switch activate the scanner for the user would have saved time.

Therefore, it would have been obvious to combine Swartz with Turner to obtain the invention specified in claim(s) 10.

Regarding claim 11, the device of Swartz is capable of scanning a mail piece, and the holder is mounted at a position appropriate for recording region of interest address information from the mail piece (see between 22 and 32 in Figure 2).

***Allowable Subject Matter***

6. Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The features identified, in combination with other claim limitations, are neither suggested nor discussed by the prior art of record.

Regarding claim 6, the prior art, either singularly or in combination, does not teach or suggest a targeting device suitable for mounting an optical scanner thereon for scanning a surface of an object, as claimed in claim 1, comprising:

“wherein the actuator arm comprises a pair of curved rails that slidingly engages the surface of the mail piece to be scanned on opposite sides of the region of interest”.

Regarding claim 7, the prior art, either singularly or in combination, does not teach or suggest a targeting device suitable for mounting an optical scanner thereon for scanning a surface of an object, as claimed in claim 1, comprising:

"wherein the actuator arm comprises a curved plate that slidably engages the surface of the mail piece to be scanned, the curved plate including a centrally located hole configured to expose the region of interest for scanning".

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Camevali et al, Yamamoto et al, Welsh, Hussey et al, Dayton et al, Matsuda, Miyake et al, Miyata et al, Yoo and Hasegawa et al are cited to show imaging devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY DAHBOUR whose telephone number is (571)272-4295. The examiner can normally be reached on 9:00AM-5:30PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HD

/David K Moore/  
Supervisory Patent Examiner, Art Unit 2625